

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed January 13, 2003 ("Office Action") and the Interview Summary from the office interview of May 20, 2003. At the time of the Office Action and the Office Interview, Claims 79-96 were pending in the application and stand rejected. New Claims 97-98 are added. Applicants respectfully request reconsideration and favorable action in this case.

Section 103 Rejections

Claims 79-83, 86-91 and 94-96 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,756,367 to Puri et al. ("*Puri*") in view of U.S. Patent No. 5,785,133 to Murray et al. ("*Murray*"). Claims 84, 85, 92 and 93 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Puri* and *Murray* as applied to Claims 79 or 87 and further in view of U.S. Patent No. 4,527,639 to Dickinson, III et al. ("*Dickinson*"). Applicants traverse these rejections, as well as any findings and assertions thereof.

Claim 79 is patentable over the combination of *Puri* and *Murray* because the combination is improper and further because the references do not, even when combined, teach all elements of Claim 79.

Puri teaches producing natural gas from a coal seam using a plurality of wells. *Puri*, column 1, lines 5-8. More particularly, *Puri* illustrates a "five-spot" well pattern penetrating a coal seam. *Puri*, column 4, lines 26-27. One or more of the wells are converted to injection wells for injection of surplus gas. *Puri*, column 4, lines 36-43. *Puri* further provides that this recycling has the beneficial effects of maintaining the coal seam's ability to flow gas. *Puri*, column 4, lines 45-49. Thus, *Puri* requires multiple wells penetrating the coal seam such that one or more of the wells may be used as an injection well while the remaining wells continue as production wells.

Murray teaches a single well with a horizontal pattern. Use of the single well of *Murray* in *Puri* would destroy the functionality of *Puri* as one or more wells cannot be converted to an injection well while other wells continue to produce in a single well system. Thus, the combination of *Puri* and *Murray* is improper and Claim 79 is patentable.

Puri and *Murray*, even if combined, do not teach all elements of Claim 79. Even if the pattern of *Murray* is substantially uniform, which Applicants do not here address, it does not necessarily follow that water and coal seam gas are "substantially uniformly" removed from the selected area of the coal seam as recited by Claim 79. Moreover, *Puri*, which teaches a pattern of producing and injecting wells, would seem to teach, if anything, non-uniform removal with a pressure distribution between the producing and injecting wells. Thus, substantially uniformly removing water and coal seam gas is not taught or inherent from the pattern of *Murray* or wells of *Puri*. For this reason also, Claim 79 is patentable over the cited art.

Claims 80-86 are allowable as depending from an allowable base claim and adding further elements that further distinguish the cited art. For example, in regard to Claim 84, it is unclear how the teaching of *Dickinson* would facilitate the drilling of laterals of *Murray*. In regard to Claim 86, there is no teaching or suggestion in the art of progressively shorter auxiliary drainage bores. Accordingly, Applicants request full allowance of Claims 79-86.

Claim 87 is allowable for reasons analogous to that discussed in connection with Claim 79 above. Claims 88-96 depend from Claim 87 and are allowable as depending from an allowable base claim and including further elements that further distinguish the art. Accordingly, Applicants request the full allowance of Claims 87-96.

New Claims

Claims 97-98 are added to more fully claim the present invention. In particular, Claim 97 depends from Claim 79 and Claim 98 depends from Claim 87. Claim 97 recites "simultaneously producing water and coal seam gas from the coal seam through a cavity" and Claim 98 recites analogous language. Applicants submit Claims 97-98 are each allowable as depending from an allowable base claim and adding further elements that further distinguish the art.

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CONCLUSION

The undersigned wishes to acknowledge and thank Examiner John Kreck for the interview of May 20, 2003. It was most helpful in preparing the amended claims as now presented for consideration.

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

A check in the amount of \$410.00 is enclosed for a two-month extension of time. Although no other fees are believed to be due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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